

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

BROOKS SPORTS, INC.,  
a Washington corporation,

Plaintiff,

v.

ANTA (CHINA) CO., LTD.,  
a China corporation,

Defendant.

Civil Action No. 1:17-cv-01458

**DECLARATION OF ETHAN W. MARKS**

I, Ethan W. Marks, declare as follows:

1. I am an attorney licensed to practice in the Commonwealth of Massachusetts.
2. I am an attorney with the law firm of Wolf, Greenfield & Sacks, P.C., which represents Defendant Anta (China) Co., Ltd. (“Anta”) in the above-referenced action. I have been admitted *pro hac vice* in this matter.
3. I make this declaration in support of Anta’s Motion to Exclude Reports of Brooks’ Experts and Motion for Leave to Amend its Answer, filed herewith.
4. I am familiar with the facts set forth in this Declaration and could testify competently to the truth thereof if called as a witness.
5. Attached as **Exhibit A** is a true and correct copy of the webpage located at <http://www.sginews.com/Info/SGL-About-Us.aspx>, as accessed and saved on February 20, 2019.

6. Attached as **Exhibit B** is a true and correct copy of the webpage located at <http://www.sginews.com/INFO/SGI-Contact-Us.aspx>, as accessed and saved on February 20, 2019.
7. Attached as **Exhibit C** is a true and correct copy of the webpage located at <https://goo.gl/uB7Gbm>, as accessed and saved on February 20, 2019.
8. Attached as **Exhibit D** is a true and correct copy of the webpage located at <http://www.sginews.com/Info/SGI-Newsletter.aspx>, as accessed and saved on February 20, 2019.
9. Attached as **Exhibit E** is a true and correct copy of the webpage located at <http://www.sginews.com/Info/SGI-Copyright.aspx>, as accessed and saved on February 20, 2019.
10. Attached as **Exhibit F** is a true and correct copy of the Supplemental Expert Report of Philip Green dated November 2, 2018.
11. Attached as **Exhibit G** is a true and accurate excerpt of a document produced by Anta on June 26, 2018. The full document has the Bates range ANTA0005153 – 5298.
12. Attached as **Exhibit H** is a true and correct copy of the Expert Report of Philip Green dated August 15, 2018.
13. Attached as **Exhibit I** is a true and correct copy of Plaintiff's First Set of Interrogatories to Defendant (Nos. 1-12) dated April 20, 2018.
14. Attached as **Exhibit J** is a true and correct copy of the third-party discovery obtained by Plaintiff from Shoe Palace Corporation, titled "Hot Report, Shoe Palace Corporation."

15. Attached as **Exhibit K** is a true and correct copy of a document produced by Anta on July 30, 2018, having the Bates range ANTA0008951 – ANTA0008982.
16. Attached as **Exhibit L** is a true and correct copy of a document produced by Anta on July 30, 2018, having the Bates range ANTA0009076 – ANTA0009106.
17. Attached as **Exhibit M** is a true and correct copy of a document produced by Anta on July 30, 2018, having the Bates range ANTA0009113 – ANTA0009175.
18. Attached as **Exhibit N** is a true and correct copy of a document produced by Anta on July 30, 2018, having the Bates range ANTA0009057 – ANTA0009075.
19. Attached as **Exhibit O** is a true and correct copy of documents produced by Anta on July 30, 2018, having the Bates ranges of ANTA0009024 – ANTA0009056.
20. Attached as **Exhibit P** is a true and correct copy of the Expert Report of Brian M. Sowers, dated August 15, 2018.
21. Attached as **Exhibit Q** is a true and correct copy of the Expert Report of Hal Poret, dated August 15, 2018.
22. Attached as **Exhibit R** is a true and correct copy of the Expert Report of Jerre B. Swann dated August 14, 2018.
23. Attached as **Exhibit S** is a true and correct copy of the webpage located at <https://www.cnbc.com/2018/11/20/the-nba-is-chinas-most-popular-sports-league-heres-how-it-happened.html>, as accessed and saved on February 22, 2019.
24. Attached as **Exhibit T** is a true and correct copy of the webpage <https://www.theringer.com/2017/4/12/16045242/2017-nba-playoffs-golden-state-warriors-klay-thompson-kevin-durant-steph-curry-ce980107bb88>, as accessed and saved on February 22, 2019.

25. Attached as **Exhibit U** is a true and correct copy of the hearing transcript dated November 9, 2018 in *Brooks Sports, Inc. v. Anta (China) Co., Ltd.*, 1:17-cv-01458 (E.D.Va.).
26. Attached as **Exhibit V** is a true and correct copy of the webpage located at <https://www.wsj.com/articles/SB1046124254676358063>, as accessed and saved on February 22, 2019.
27. Attached as **Exhibit W** is a true and correct copy of the webpage located at <https://solecollector.com/news/2015/03/klay-thompson-wears-black-out-nike-not-anta>, as accessed and saved on February 22, 2019.
28. Attached as **Exhibit X** is a true and correct copy of the webpage located at <https://www.sportsbusinessdaily.com/Daily/Issues/2015/03/10/Marketing-and-Sponsorship/Anta-Parsons.aspx>, as accessed and saved on February 22, 2019.
29. Attached as **Exhibit Y** is a true and correct copy of the webpage located at <https://ballershoesdb.com/players/chandler-parsons/>, as accessed and saved on February 22, 2019.
30. Attached as **Exhibit Z** is a true and correct copy of the webpage located at <http://en.anta.com/news.php?k=48>, as accessed and saved on February 22, 2019.
31. Attached as **Exhibit AA** is a true and correct copy of the webpage located at <https://ftw.usatoday.com/2017/06/klay-thompson-china-chinaklay-twitter-hashtag-arm-wrestle-videos-photos-dancing-champagne-cigars-boat>, as accessed and saved on February 22, 2019.
32. Attached as **Exhibit BB** is a true and correct copy of the webpage located at <https://tinyurl.com/nbachina>, as accessed and saved on February 22, 2019.

33. Attached as **Exhibit CC** is a true and correct copy of Plaintiff Brooks Sports, Inc.'s First Supplemental Response to Defendant Anta's First Set of Interrogatories dated July 27, 2018.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on: February 22, 2019

/s/ Ethan W. Marks

Ethan W. Marks  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
Phone: 617.646.8000  
Fax: 617.646.8646  
[emarks@wolfgreenfield.com](mailto:emarks@wolfgreenfield.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of February, 2019 I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all registered users in this action.

/s/

---

John E. Coffey (VSB #19086)  
Redmon, Peyton & Braswell, LLP  
510 King Street, Suite 301  
Alexandria, V.A. 22314  
703-684-2000  
703-684-5109 (fax)  
jcoffey@rpb-law.com  
*Counsel for Defendant*